

REMARKS

Claims 1-16 are pending in this application. Reconsideration of the rejection is requested in view of the following remarks.

Rejection Under 35 U.S.C. §102(b)

The Advisory Action indicates that the reply filed June 3, 2009 overcomes the rejection under 35 U.S.C. §102(b) over Inoue (JP 2000-233929). That rejection is therefore not addressed in these remarks.

Rejection Under 35 U.S.C. § 103(a)

The Advisory Action indicates that the rejection of claim 1-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kondo (U.S. Patent No. 5,830,568) in view of Inoue is maintained.

Claims 1-16 are patentable over the cited references, because the cited references do not describe or suggest the composite tungsten oxide fine particles recited in claims 1 and 2. There would have been no reason or rationale for a person of ordinary skill in the art to have combined and/or modified the metal oxides and laminated structures described therein to have arrived at a laminated structure for shielding against solar radiation comprising the composite tungsten oxide fine particles recited in claims 1 and 2, with a reasonable expectation of success.

The Cited References Do Not Describe A Laminated
Structure For Shielding Against Solar Radiation Comprising
Composite Tungsten Oxide Fine Particles As Recited In Claims 1 And 2

As discussed in great detail in the reply filed June 3, 2009, Inoue fails to put the formula recited in claims 1 and 2 in the possession of the public. Briefly, the formula recited in Inoue is erroneous on its face, and would have led a person of ordinary skill in the art to have determined the correct formula based on the teachings of Inoue as a whole. This

position is supported by the evidence of the Declaration Under 37 C.F.R. §1.132, of Dr. Kenji Adachi, submitted with the June 3 reply.

Therefore, claims 1 and 2 are not obvious over Kondo in view of Inoue, because the combination fails to describe the features of claims 1 and 2. That is, a person of ordinary skill in the art would have understood the errors in Inoue, would have followed the Examples therein to learn the true teachings of Inoue, and as a result would not have been led to the present claims. Inoue clearly does not describe the composite oxide of the claims, and would not have led one from Kondo to the present claims.

The references cited in the Advisory Action also fail to remedy the deficiencies of Kondo, because they fail to describe or suggest a laminated structure comprising the composite tungsten oxide particle recited in claims 1 and 2. For example, Gillery and Mochel describe composite tungsten oxide films, as opposed to particles. Baltzer describes a filter medium comprising sodium tungstate (Na_2WO_4), which does not meet the limitations of the formula recited in claims 1 and 2. Yadav describes methods of making submicron and nanoscale powders comprising tungsten and various applications for those powders. The compounds of the generic formula cited by the Patent Office ($\text{M}_{1-x}\text{WO}_3$) are described by Yadav as being pigments or catalysts for oxidation reactions, which would not be useful in a laminated structure as recited in claims 1 and 2.

The Laminated Structure Of Claims 1 And 2 Possesses Unexpectedly Superior Properties Compared To the Laminated Structures Of The Cited Art

In view of the unexpected results achieved by the present claims, it is clear that the art cited in the Advisory Action fails to render the present claims obvious.

Kondo describes mixing well-known tungsten-oxide particles (among other particles) with an interlayer of laminated glass. The particles of Kondo thus correspond to Comparative Example 1 of the present application (comprising tungsten oxide particles). Examples 4-6,

16-19 and 22 of the present application describe composite tungsten oxide particles and laminated structures comprising particles corresponding to the formula recited in claims 1 and 2.

As shown in Figure 1, the laminated structure comprising tungsten oxide particles of Comparative Example 1 is significantly inferior in terms of solar radiation transmittance (greater than 53.2%) relative to the laminated structures of Examples 4-6, 16-19 and 22, comprising composite tungsten oxide particles, as recited in claims 1 and 2 (less than 50%).

The evidence discussed above shows the unexpectedly advantageous results obtained by the laminated structures containing the composite tungsten oxide fine particles of the formula recited in claims 1 and 2. As above, none of the cited references describe or suggest a laminated structure comprising composite tungsten oxide fine particles having the formula recited in claims 1 and 2, or having the unexpectedly advantageous properties shown. Claims 1 and 2 are thus patentable over the cited references for this additional reason.

Applicants request withdrawal of the rejection.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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